

STATE OF HAWAII
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
Honolulu, Hawaii

REF:OCCL:DH

CDUA OA-3266

Acceptance Date: November 14, 2005
180-Day Exp. Date: May 23, 2007

May 11, 2007

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii**

REGARDING: 5th Request for 15-Day Time Extension to the 180-day Processing Period Conservation District Use Application for the Conservation District Use Application (CDUA) OA-3266 to process Haseko request to utilize State-owned land for proposed drainage system improvements

APPLICANT: Sharene Saito Tam, HASEKO (Ewa). Inc. 91-1001 Kaimalie Street, Suite 205, Ewa Beach, Hawaii 96706-5005

AGENT: Sandra Wilhide/Yvonne Izu, Ishikawa Morihara Lau & Fong LLP, 400 Davis Pacific Center, 841 Bishop Street, Honolulu, Hawaii 96813, 808-528-4200

LANDOWNER: State Department of Land and Natural Resources

LOCATION: Ewa District, Island of Oahu

TMKs: (1) 9-1-11:002 and 003

USE: Approximately 42 feet of the 75-foot ocean outlet approximately 0.06 acres (2,613 square feet) of area for the drainage system, and staging area

SUBZONE: Resource Subzone

BACKGROUND:

On November 14, 2005, the Department of Land and Natural Resources, Office of Conservation and Coastal Lands (OCCL) accepted an application for a Conservation District Use Permit OA-3266 by Haseko to construct a drainage portion outlet to improve existing storm water drainage facilities serving the mauka portion of Papipi Road corridor subdivision. Approximately 42 feet of the 75-foot ocean outlet will be makai of the shoreline, approximately 280 cubic yards of material will be excavated, and approximately 0.06 acres (2,613 square feet) of area will be disturbed for the drainage system, and staging area. Excavated material will come from above the water table. The site is located in the Resource subzone.

TIME EXTENSION REQUEST:

On March 24, 2006, the applicant requested an extension of 180 days to the statutory 180-day processing period. On April 13, 2006, the Board of Land and Natural Resources (BLNR) approved the 180-day extension until November 9, 2006. On September 29, 2006, the applicant requested a 2nd time extension of 120 days. On October 13, 2006, the BLNR approved the 120-day extension until March 9, 2007. On February 9, 2007, the BLNR approved a 3rd time extension for 60 days until May 8, 2007. On 2007, the applicant requested a 4th time extension of 15 days. On April 13, 2007, the BLNR approved a 4th time extension of 15 days until May 23, 2007.

The Application is currently in Contested Case Hearing mode. The Contested Case Hearing was conducted, and Oral Argument heard on March 23, 2007; currently the Board of Land and Natural Resources is in deliberations and more time is needed.

Therefore, a request for a 15-day extension has been requested (**Exhibit 1**).

AUTHORITY FOR GRANTING TIME EXTENSIONS:

The authority for granting time extensions to the CDUA processing period is provided in Section 183C-6(b), HRS, which states that "...when a contested case hearing is required pursuant to Chapter 91, the one-hundred eighty days may be extended an additional ninety days at the request of the applicant. Any request for additional extensions shall be subject to the approval of the Board." The subject request is for a 15-day time extension.

DISCUSSION:

The application is currently in Contested Case Hearing mode. The Contested Case Hearing has heard and the department is awaiting the Board of Land and Natural Resources decision. Therefore, a request for a 15-day extension has been requested by the applicant's agent. At this point, staff believes that all interests are best served by extending the CDUA processing period to allow for the continuance of the Contested Case Hearing.


Since the applicant is requesting a 15-day time extension request, the request must be approved by the Board.

Staff, therefore, recommends as follows:

RECOMMENDATION:

That the Board of Land and Natural Resources approve this 5th request to extend the processing period for CDUA OA-3266 an additional 15-days (to **June 7, 2007**) to allow sufficient time to complete contested case hearing process.

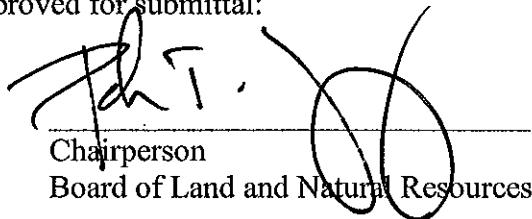
Respectfully submitted,



DAWN T. HEGGER
Staff Planner

Approved for submittal:

By:



Chairperson
Board of Land and Natural Resources

MORIHARA LAU & FONG LLP

A LIMITED LIABILITY LAW PARTNERSHIP

May 1, 2007

Mr. Samuel Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
1151 Punchbowl Street, Room 131
Honolulu, Hawaii 96813
Attn: Ms. Dawn Hegger

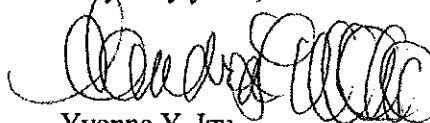
RE: Request for Time Extension in Contested Case OA-06-02 Regarding
Conservation District Use Application (CDUA) OA-3266 to Process Haseko
Request to Utilize State-owned Land for Proposed Drainage System
Improvements, Located Seaward of Subject Parcel TMK: (1) 9-1-11:003, Ewa
District, Island of Oahu

Dear Mr. Lemmo:

On behalf of our client, HASEKO (Ewa), Inc., this letter is to request an extension of fifteen (15) days for the processing period, which is currently set to expire May 23, 2007, for CDUA OA-3266 to utilize State-owned Land for Proposed Drainage System Improvements, Located Seaward of Subject Parcel TMK: (1) 9-1-11:003. The matter came on for contested case hearing on December 4, 2006, and an extension of time is needed to allow sufficient time for a decision to be processed.

If you should have any questions, please do not hesitate to contact the undersigned at 526-2888. Your continued assistance in this matter is greatly appreciated.

Very truly yours,



Yvonne Y. Izu
Sandra L. Wilhide

Attorneys for Applicant
HASEKO (Ewa), Inc.

cc: Ms. Nancy Maeda, HASEKO (Ewa), Inc.
Mr. Gilbert S.C. Keith-Agaran, BLNR Hearing Officer
Linda Chow, Esq., Deputy Attorney General
David Kimo Frankel, Esq.